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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4892 OF 2007

The State of Maharashtra ... Petitioner

V/s

Bharat Ramrao Chafe ... Respondent

Mr. D.A. Patil, A.G.P. for the petitioner.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 7TH AUGUST, 2007.

P.C.:

1. The petitioner has challenged the Award of the Labour Court dated 1.9.2006 in Reference (IDA) No. 558 of 1999. The Labour Court has considered the fact that there was an admission on the part of the petitioner in its written statement that the respondent workman was working on daily wages with the petitioner. The muster roll was not produced by the petitioner although a notice to produce the same was served on the petitioner and a direction was given by the Court to that effect. In these circumstances, the Labour Court came to the conclusion that the respondent workman had worked continuously for more than three years with the

petitioner and had worked 240 days in each year. The Labour Court also found that the junior workers were retained while the petitioner terminated the services of the respondent workman. However, in view of the fact that the respondent had approached the Labour Court since the reference was made in 1999 although the termination took effect on 13.3.1987, the Labour Court directed the petitioner to give work to the respondent workman as a fresh employee on the daily wages.

2. No interference is called for.

3. Petiton rejected.

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